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| STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | SHINGLES, KRISTIE D | |
| | | | ART UNIT | PAPER NUMBER |
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DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/950,005

Applicant(s)

BAYNES ET AL.

Examiner

Kristie Shingles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 14-16, 18, 20-26 and 28-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 14-16, 18, 20-26 and 28-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

*Per Applicant's Request for Continued Examination:
Claims 1, 14-16, 18, 20-22 and 28-30 have been amended.
Claims 2-13, 17, 19 and 27 have been cancelled.
Claims 31-51 are new.*

Claims 1, 14-16, 18, 20-26 and 28-51 are pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/6/2006 has been entered.

Response to Arguments

2. Applicant's arguments filed 2/6/2006 have been fully considered but they are not persuasive.

- A. Regarding claims 1, 14, 16, 18, 21, 30 and 49-51, Applicant argues that the cited prior art of record, *Reed et al* (US 5,862,325), fails to teach maintaining state information on behalf of the device, wherein the state information is specification data of the device.

In response to Applicant's argument, Examiner respectfully disagrees. *Reed et al* teach the claimed limitation by implementing schedule maintenance that indicates the readiness of the user to receive a call or the "reachability" of the user either through phone or e-mail (col.137 lines 1-

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22, col.137 line 34-col.138 line 66, col.139 line 2-col.140 line 66) and a scheduling automation process with API programs that monitor the communications status of a user (col.141 lines 22-45). This communications status information is related to the type of device the user is using and its communicative abilities—e.g., the programs could determine if the user was currently on the telephone or another communications device and therefore unavailable to directly accept an incoming call, thus allowing the programs to contact the user or forward communications requests via other means, such as pagers, cellular phones, and so on (col.141 lines 22-31). *Reed et al* therefore achieve the claimed limitation by monitoring the communications status of a user and determining what type of communications device is being used by the user, which functions as specification data of the device. Applicant's arguments are therefore unpersuasive and the rejection of the above claims under *Reed et al* is maintained.

35 USC § 112 Rejection - Withdrawn

3. **Regarding Claims 2-13:** the rejections under 35 U.S.C. 112, fourth paragraph, are withdrawn in view of the cancellation of these claims.

Claim Objections - Withdrawn

4. **Regarding Claims 6-13:** the objections under 37 CFR 1.75(c), are withdrawn in view of the cancellation of these claims.

Claim Objections

5. **Claims 16, 18, 21, 30, 33, 36, 39, 42, 45 and 48** are objected to because of the following informalities:

- a. **Regarding claims 16, 18, 21 and 30:** “an device” in lines 1-2 of the claim language should be replaced with—a device—.
- b. **Regarding claims 33, 36, 39, 42, 45 and 48:** “a buttons on the device” and “a supported mime types” in the claim language should be replaced with—buttons (or a plurality of buttons) on the device—and—supported (or a supported) mime type(s)—.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1, 14-16, 18, 20-26 and 28-51** are rejected under 35 U.S.C. 102(b) as being anticipated by *Reed et al* (USPN 5, 862,325).

a. **Per claim 1**, *Reed et al* teach a method for delivering information to a device, comprising the steps of:

- (1) identifying a data object to be delivered to the device (col.37 lines 35-41);
- (2) maintaining state information on behalf of the device, wherein the state information is specification data of the device (col.137 lines 1-22, col.137 line 34-col.138 line 66, col.139 line 2-col.140 line 66, col.141 lines 22-45; provision for schedule maintenance and a scheduling automation process with API programs that monitor the communications status of a user); and

(3) delivering said data object to the device in a form consistent with the maintained state information (col.15 line 63-col.16 line 14, col.38 line 35-col.39 line 67, col.141 lines 22-45, col.144 lines 41-49), comprising one or more steps (a)-(c):

(a) pushing said data object to the device (col.12 lines 49-51, col.28 lines 25-37);

(b) transferring said data object to the device during a sync operation (col.12 lines 49-51 and col.91 lines 3-7); and

(c) transferring said data object to the device in response to a request from said device while said device is being used to surf a network (col.12 lines 58-64).

b. **Per claims 14 and 49 (differ only by statutory class), *Reed et al* teach a method for delivering information to a device, comprising the steps of:**

(1) identifying a data object to be delivered to the device (col.37 lines 35-41);

(2) maintaining state information on behalf of the device, wherein the state information is specification data of the device (col.137 lines 1-22, col.137 line 34-col.138 line 66, col.139 line 2-col.140 line 66, col.141 lines 22-45; provision for schedule maintenance and a scheduling automation process with API programs that monitor the communications status of a user); and

(3) delivering said data object to the device in a form consistent with the maintained state information (col.15 line 63-col.16 line 14, col.38 line 35-col.39 line 67, col.141 lines 22-45, col.144 lines 41-49), comprising the step of pushing said data object to the device (col.12 lines 49-51).

c. **Per claims 16 and 50 (differ only by statutory class), *Reed et al* teach a method for delivering information to an device, comprising the steps of:**

(1) identifying a data object to be delivered to the device (col.37 lines 35-41);

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- (2) delivering said data object to the device, comprising the step of transferring said data object to the device during a sync operation (col.12 lines 49-51, col.91 lines 3-7),

wherein step (2) further comprises:

- (i) accessing providers for information using state information maintained on behalf of said device, wherein the state information is specification data of the device (col.137 lines 1-22, col.137 line 34-col.138 line 66, col.139 line 2-col.140 line 66, col.141 lines 22-45; provision for schedule maintenance and a scheduling automation process with API programs that monitor the communications status of a user);
- (ii) receiving said information from said providers, wherein said information comprises said data object (col.38 line 35-col.39 line 67, col.144 lines 41-49);
- (iii) sending said information to said device in a form consistent with the maintained state information (col.15 line 63-col.16 line 14, col.38 line 35-col.39 line 67, col.144 lines 41-49).

d. **Per claims 18 and 50 (differ only by statutory class), *Reed et al* teach a method for delivering information to an device, comprising the steps of:**

- (1) identifying a data object to be delivered to the device (col.37 lines 35-41);
- (2) delivering said data object to the device, comprising the step of transferring said data object to the device in response to a request from said device while said device is being used to surf a network (col.12 lines 58-64),

wherein step (2) further comprises:

- (i) accessing providers for information using state information maintained on behalf of said device, wherein the state information is specification data of the device (col.137 lines 1-22, col.137 line 34-col.138 line 66, col.139 line 2-col.140 line 66, col.141 lines 22-45; provision for schedule maintenance and a scheduling automation process with API programs that monitor the communications status of a user);

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- (ii) receiving said information from said providers, wherein said information comprises said data object (col.38 line 35-col.39 line 67, col.144 lines 41-49);
- (iii) sending said information to said device in a form consistent with the maintained state information (col.15 line 63-col.16 line 14, col.38 line 35-col.39 line 67, col.144 lines 41-49).

e. **Per claim 21, *Reed et al*** teach a method for delivering information to an device, comprising the steps of:

- (1) generating one or more modification events representative of a modification made to a data object (col.37 lines 35-41);
- (2) maintaining state information on behalf of the device, wherein the state information is specification data of the device (col.137 lines 1-22, col.137 line 34-col.138 line 66, col.139 line 2-col.140 line 66, col.141 lines 22-45; provision for schedule maintenance and a scheduling automation process with API programs that monitor the communications status of a user); and
- (3) forwarding said modification events to an device identified as a recipient of said modification events, wherein said modification events are forwarded in a form consistent with the maintained state information, wherein said device processes said modification events (col.15 line 63-col.16 line 14, col.38 line 35-col.39 line 67, col.144 lines 41-49).

f. **Per claim 30, *Reed et al*** teach a computer system for delivering information to an device, comprising:

- a storage configured to store received state information related to the device, wherein the state information is specification data of the device (col.137 lines 1-22, col.137 line 34-col.138 line 66, col.139 line 2-col.140 line 66, col.141 lines 22-45; provision for schedule maintenance and a scheduling automation process with API programs that monitor the communications status of a user, storage provided in database);

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- a processor configured to identify a data object to be delivered to an device in a form consistent with said state information (col.24 line 53-col.25 line 52, col.37 lines 35-41, col.38 line 35-col.39 line 67, col.144 lines 41-49);
- and a communications interface configured to deliver said data object to the device comprising: means for pushing said data object (col.12 lines 49-51), means for transferring said data object to the device during a sync operation (col.12 lines 49-51, col.91 lines 3-7), and means for transferring said data object to the device in response to a request from said device while said device is being used to surf a network (col.12 lines 58-64).

g. **Per claim 15**, *Reed et al* teach the method of claim 14, wherein step (2) comprises the steps of: (i) creating a modification event representative of said data object (col.37 lines 35-41); and (ii) sending said modification event to said device (col.12 lines 49-51).

h. **Per claim 20**, *Reed et al* teach the method of claim 18, wherein step (2) comprises the steps of: (i) identifying one or more modification events representative of said data object, wherein said data object is associated with a said request from said device while said device is being used to surf a network (col.26 lines 53-56); and (ii) sending said modification events to said device (col.39 lines 4-14).

i. **Per claim 22**, *Reed et al* teach the method of claim 21, wherein said data object is stored at said device, and wherein said device processes said modification events so as to update said data object (col.37 line 63-col.38 line 12, col.39 lines 4-36).

j. **Per claim 23**, *Reed et al* teach the method of claim 21, wherein step (2) is performed during a push operation (col.12 lines 49-51, col.17 lines 39-42, col.28 lines 25-37).

k. **Per claim 24**, *Reed et al* teach the method of claim 21, wherein step (2) is performed during a sync operation (col.12 lines 49-51, col.91 lines 3-7 and 27-57).

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l. **Per claim 25**, *Reed et al* teach the method of claim 21, wherein step (2) is performed during a surf operation (col.12 lines 58-64, col.26 line 53-col.27 line 9).

m. **Per claim 26**, *Reed et al* teach the method of claim 21, wherein step (2) is performed during at least one of a push operation, a sync operation, and a surf operation (col.12 lines 49-51).

n. **Per claim 28**, *Reed et al* teach the method of claim 1, wherein step (3) comprises: using the maintained state information to determine whether said data object has been previously delivered to the device (col.15 line 63-col.16 line 14, col.24 line 53-col.25 line 52, col.30 lines 9-62, col.137 lines 1-22, col.137 line 34-col.138 line 66, col.139 line 2-col.140 line 66, col.141 lines 22-45, col.144 lines 41-49).

o. **Claim 29** is substantially equivalent to claim 28 and is therefore rejected under the same basis.

p. **Per claim 31**, *Reed et al* teach the method of claim 1, wherein the device is a data processing device (col.12 lines 1-16, col.13 lines 6-7, col.6 lines 55-64, col.137 lines 4-11, col.141 lines 28-31 and 36-39).

q. **Claims 34, 37, 40, 43 and 46** are substantially equivalent to claim 31 and are therefore rejected under the same basis.

r. **Per claim 32**, *Reed et al* teach the method of claim 1, wherein the device is a data communications device (col.12 lines 1-16, col.13 lines 6-7, col.6 lines 55-64, col.137 lines 4-11, col.141 lines 28-31 and 36-39).

s. **Claims 35, 38, 41, 44 and 47** are substantially equivalent to claim 32 and are therefore rejected under the same basis.

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t. **Per claim 33**, *Reed et al* teach the method of claim 1, wherein the specification data includes at least one of a dynamic memory specifications, a high memory specification, an available storage space, a screen size, a user profile, a color depth, an application on the device, a buttons on the device, a data marker, a preference, a font, a sync type, a supported data type, a supported mime types, or a connection/network profile (col.137 lines 1-21, col.138 lines 1-16, col.141 lines 22-32).

u. **Claims 36, 39, 42, 45 and 48** are substantially equivalent to claim 33 and are therefore rejected under the same basis.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Abe* (USPN 6,345,308), *Carini et al* (USPN 6,636,873), *Mastrianni et al* (USPN 6,615,276), *Ims et al* (USPN 6,505,200), *Huang et al* (USPN 6,477,543).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

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